

1934, February 27, and April 22, 1935, from Los Angeles, Calif., into the State of Arizona, where it was sampled, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Black & White Brand * * * California Fancy Tuna * * * Packed in Salad Oil, Haas, Baruch & Co., Los Angeles, Calif., Distributors."

The information alleged that the product was adulterated when shipped and delivered for shipment from Los Angeles, Calif., into the State of Arizona in that it was a product that consisted in part of a decomposed animal substance.

On April 28, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$75.

W. R. GREGG, *Acting Secretary of Agriculture.*

25882. Adulteration of butter. U. S. v. R. E. Cobb Co., a corporation. Plea of guilty. Fine, \$25. (F. & D. no. 36076. Sample no. 41040-B.)

This case involved an interstate shipment of butter that was deficient in milk fat.

On February 4, 1936, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. E. Cobb Co., a corporation trading at Valley City, N. Dak., alleging shipment by said defendant in violation of the Food and Drugs Act as amended on or about September 4, 1935, from the State of North Dakota into the State of Minnesota of a quantity of butter labeled in part: "63 Pounds Net."

The article was alleged to be adulterated in that a substance deficient in milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat.

On July 24, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

25883. Adulteration of tomato paste. U. S. v. Uddo-Taormina Corporation and Anthony A. Taormina. Pleas of guilty. Fines, \$200 and costs. (F. & D. no. 36081. Sample nos. 38822-B, 42864-B.)

This case involved an interstate shipment of tomato paste that contained excessive mold.

On or about May 11, 1936, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Uddo-Taormina Corporation and Anthony A. Taormina, trading at Donna, Tex., alleging that on or about June 30 and July 20, 1935, the said defendants had shipped from the State of Texas into the States of Louisiana and New York, respectively, a number of cans in cases of tomato paste, and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Naples Style Tomato Paste Salsa Di Pomodoro Prepared From Fresh, Ripe Tomatoes, Harmless Color and Sweet Basil Polly Brand Tipo Nap.oli Mfd. in U. S. A."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On June 11, 1936, pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of \$100 and costs against each defendant.

W. R. GREGG, *Acting Secretary of Agriculture.*

25884. Adulteration and misbranding of Carlene's Imperial Champyne Americaine. U. S. v. 120 Bottles and 50 Bottles of Carlene's Imperial Champyne Americaine. Default decree of destruction. (F. & D. no. 36185. Sample no. 33036-B.)

The labeling of this article bore misleading statements and a design falsely implying that it was champagne.

On August 28, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 170 bottles of Carlene's Imperial Champyne Americaine at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about December 8, 1934, by the California Vineyards Co., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The shipment was made from Chicago, Ill. The article was labeled in part: (Bottle) "Carlene's Imperial Champyne Americaine"; (strip posters in shipping case) "Do you Like Champagne? Try Carlene's Imperial"; the invoice bore the statement, "Re-

move the label and you remove the difference between the most expensive champagne and Carlene's Imperial."

Adulteration of the product was charged under the allegation that an effervescent alcoholic beverage having the flavor of a fermented apple product had been substituted for champagne.

Misbranding of the product was charged under the allegation that the statement "Champagne Americaine", on the shoulder label of the bottle, the design on the main bottle label depicted a medieval walled city and a typical champagne bottle of thick glass with the push-up bottom and the champagne style wired-in cork stopper, and the statement on strip posters in shipping cases, "Do You Like Champagne? Try Carlene's Imperial", were false and misleading and tended to deceive and mislead the purchaser when applied to an effervescent alcoholic beverage having the flavor of a fermented apple product which was not champagne; and under the allegation that the product was offered for sale under the distinctive name of another article, namely, champagne.

On January 8, 1936, no claimant having appeared, judgment was entered finding the product adulterated and misbranded, and ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25885. Adulteration of canned salmon. U. S. v. 3,354 Cases of Canned Salmon, and two other libel proceedings against canned salmon involving 7,167 cases thereof. Cases consolidated for purpose of decree. Consent decree of condemnation and forfeiture, providing for release of the salmon under bond for segregation and destruction of the adulterated portion. (F. & D. nos. 36435, 36529, 36560. Sample nos. 26565-B, 26567-B, 37881-B, 37893-B, 37896-B, 40878-B, 40888-B.)

The product in each of these three shipments was in part decomposed.

On September 25, October 19, and October 23, 1935, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 10,521 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce from Klawock, Alaska, to Seattle, Wash., by the Klawock Packing Co., in various shipments on or about August 12, 20, and 31, 1935, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was charged in each of the cases under the allegation that it consisted in whole or in part of a decomposed animal substance.

On January 20, 1936, the three cases having been consolidated for purpose of decree, and the Klawock Packing Co., claimant, consenting, judgment of condemnation was entered providing for release of the product to the claimant under bond conditioned that the adulterated portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25886. Misbranding of bakery products. U. S. v. 66 Packages of Devonet's Canape Wafers, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36533. Sample nos. 22092-B to 22095-B, incl., 22097-B, 22098-B.)

The label on the packages of each of these articles bore an erroneous statement concerning the weight of contents.

On October 22, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 113 packages of wafers, 19 packages of toast, 90 packages of whole wheat, and 714 packages of toasted crumbs at Newark, N. J., alleging that the articles had been shipped in interstate commerce, on or about September 18, 1935, and on or about October 2, 1935, by Devon Bakeries, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Packages) "Devonets Canape Wafers De Luxe Net Weight Not Less Than 4½ Oz."; "Devonsheer Plain Melba Toast Net Weight Not Less Than 3¾ Ounces"; "Devonsheer 100% Whole Wheat 'A Toast to the Nation' 3¾ Oz. The Perfect Health Food for Weight Control"; "Devonsheer Old English Golden Brown Toasted Crumbs One Pound Net"; "Devonets Canape Wafers De Luxe Net Not Less Than 4 Oz."

Misbranding of each of the several articles was charged (a) under the allegation that the statement of the weight of the contents of the packages, borne on the label, was false and misleading and tended to deceive and mislead; (b) under the allegation that the article was found in package form and the quantity of the